

## UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America

v.

Jason Muzzicato

Case No.

19-997-m

*Defendant(s)*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 7, 2019 in the county of Bangor in the  
Eastern District of Pennsylvania, the defendant(s) violated:

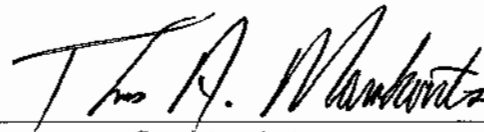
*Code Section**Offense Description*

Title 18, United States Code  
 Section 922(g)(8)

On or about June 7, 2019, in Bangor, in the Eastern District of Pennsylvania,  
 defendant Jason Muzzicato unlawfully possessed firearms and ammunition,  
 while subject to a domestic violence protective order in the Eastern District of  
 Pennsylvania.

This criminal complaint is based on these facts:

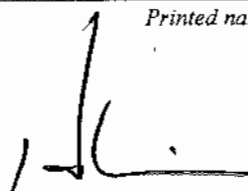
SEE ATTACHED AFFIDAVIT.

☒ Continued on the attached sheet.

*Complainant's signature*

Thomas A. Marakovits, Special Agent, FBI

*Printed name and title*

Sworn to before me and signed in my presence.

Date: 06/07/2019City and state: Allentown, PA

*Judge's signature*

The Hon. Henry S. Perkin, U.S. Magistrate Judge

*Printed name and title*

**AFFIDAVIT**

I, Thomas A. Marakovits, having been duly sworn, depose and state the following:

1. I am a Special Agent of the Federal Bureau of Investigation (“FBI”) assigned to the Philadelphia Division, Allentown Resident Agency (ARA). I have been employed as a Special Agent for over twenty-four years and have spent the majority of this time working white-collar crime and public corruption investigations. As a Federal Agent, I am authorized to investigate violations of laws in the United States, and execute search warrants under the authority of the United States. As a FBI Special Agent, I have participated in the execution of numerous search warrants and arrest warrants.
2. The information contained in this affidavit is based on my conversations with FBI Special Agent Benjamin Jacobs, the lead FBI investigator in this case; my review of official documents, including the search warrant affidavit submitted to, and approved by, this Court on June 6, 2019; and my conversations with other law enforcement personnel, including FBI agents who participated in the execution of said search warrant on the morning of June 7, 2019.
3. Individual Number One is an individual whose identity is known to your affiant and is known to be the former girlfriend of MUZZICATO. On or about November 3, 2017, on the complaint of Individual Number One, a protection from abuse order was filed against JASON MUZZICATO, directing, among other things, that MUZZICATO not “abuse, stalk, harass, threaten or attempt to use physical force that would reasonably be expected to cause bodily injury to plaintiff” Individual Number One. The order, a copy of which has been obtained by your affiant, is effective through November 3, 2020. The order advises MUZZICATO, “If you possess a firearm or any ammunition while this order is in effect, you may be charged with a federal offense even if this Pennsylvania order does not expressly prohibit you from possessing

firearms or ammunition. 18 U.S.C. § 922(g)(8).” It further directs, “Defendant is prohibited from possessing, transferring or acquiring any firearms for the duration of this order.” The Order further indicates that it was “entered after a hearing and decision by the Court.”

4. 18 U.S.C. 922(g)(8) states, in pertinent part, “It shall be unlawful for any person ... (8) who is subject to a court order that— (A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate; (B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and (C) (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.

5. On the morning of June 7, 2019, Agents from the Federal Bureau of Investigation, along with their local law enforcement partners, executed federal search warrants at the residence and business of JASON MUZZICATO. The residence is located at 46 Flicksville Road, in Bangor, Pennsylvania (Northampton County) and the business, known as Bangor Motor Works Auto Repair, is located at 201 North Main Street, in Bangor. The warrants sought evidence of federal crimes, including possession of destructive devices not registered in the National Firearm Registration and Transfer Record (NFRTR), in violation of 26 U.S.C. §§ 5861(d), 5845(f)(1)(A) and (f)(3); possession of a firearm by a person subject to domestic violence protective order, in violation of 18 U.S.C. § 922(g)(8); and telecommunications harassment, in violation of 47 U.S.C. § 223(a)(1)(C).

6. MUZZICATO was present at his residence at the time the warrants were executed.

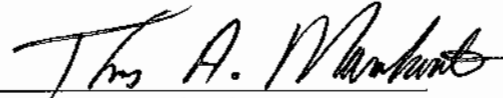
Among the evidence recovered by agents were the following weapons and ammunition:

- a. One Mossberg Shotgun found behind MUZZICATO's bedroom door, which was loaded with five rounds of ammunition and contained an additional five rounds of ammunition attached to the shotgun's stock.
- b. One semi-automatic Ruger pistol found in a shoe next to MUZZICATO's bed, which was loaded with six rounds of ammunition.
- c. One semi-automatic Taurus .40 caliber pistol, found between the box spring and mattress of MUZZICATO's bed, which was loaded with ten rounds of ammunition.
- d. One semi-automatic Noveske AR-15 rifle, .223 caliber, found inside a second floor hallway closest in the vicinity of MUZZICATO's bedroom, which was loaded with ten rounds of ammunition.
- e. One semi-automatic P MAG 30 AR-15 rifle, .223 caliber, found in the basement of MUZZICATO's home within a gun cabinet which was in the common basement space and loaded with ten rounds of ammunition.
- f. One .22 caliber Marlin rifle, which was unloaded and found in the basement of MUZZICATO's home within a gun cabinet which was in the common basement space.
- g. One bolt action Savage rifle, model 3, which was unloaded and found in the basement of MUZZICATO's home within a gun cabinet which was in the common basement space.
- h. One semi-automatic Walther 9mm pistol, which was not loaded and was found in MUZZICATO's son's bedroom in the basement.
- i. One semi-automatic Ruger .380 pistol, which was not loaded and was found in MUZZICATO's son's bedroom in the basement.
- j. Hundreds of rounds of ammunition in various calibers that appeared to be in good condition.

7. During the search of MUZZICATO's residence, Agents also recovered explosive devices and components of explosive devices.

8. MUZZICATO told Special Agents Jared Witmier and Alan Jones, that he was aware that the protection from abuse order directed that he could not possess weapons.

9. Based on the information above, I have concluded there is probable cause to believe that JASON MUZZICATO unlawfully possessed firearms and ammunition, while subject to a domestic violence protective order in the Eastern District of Pennsylvania, in violation of 18 U.S.C. § 922(g)(8).



Thomas A. Marakovits  
Special Agent  
Federal Bureau of Investigation

Subscribed to and sworn before  
me this 7<sup>th</sup> day of June, 2019



HONORABLE HENRY S. PERKIN  
United States Magistrate Judge